

NO. PD-0736-17

JOHN KENNETH LEE

VS.

STATE OF TEXAS

§ IN THE COURT OF
§ COURT OF CRIMINAL APPEALS
§ 3/2/2018
§ DEANA WILLIAMSON, CLERK
§ CRIMINAL APPEALS
§
§ OF TEXAS

**FINAL MOTION TO EXTEND TIME TO
FILE APPELLANT'S BRIEF ON THE MERITS**

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes John Kenneth Lee, Appellant in the above styled and numbered cause, and moves for a final extension of time of eleven (11) days to file appellant's brief and for good cause shows the following:

1. On June 15, 2017, the Court of Appeals reversed appellant's conviction. *John Kenneth Lee v. State*, 13-15-00514-CR.

2. On July 12, 2017, the State filed a petition for discretionary review in this Court, which was granted on November 15, 2017.

3. On December 12, 2017, the State's brief on the merits was filed. Appellant's brief on the merits was due on January 11, 2018. On December 21, 2017, Movant filed a letter of representation informing the Court that he had recently been appointed represent Appellant in this matter.

4. Appellant has been granted two prior extensions of time to file Appellant's brief. Appellant's first motion was granted and time was extended thirty-two (32) days to Monday, February 12, 2018. Movant's second motion was granted and time was extended

fourteen (14) days until Monday, February 26, 2018.

5. This request for an eleven (11) day extension of time is for good cause and not for purposes of delay because:

a. Movant's estimate for the amount of time that was scheduled for non-contested trial court matters and time predicted to be available for the task of completing this brief were in fact wildly optimistic due to circumstances which were not foreseeable at the time of the last motion for extension.

b. Movant literally has no trial court settings (knock on wood) for the week of March 5, 2018, to March 9, 2018, and is confident that this Court will appreciate the substantial difference in quality in the brief that could be filed immediately and the brief that will be filed to on or before March 9, 2018.

6. Defendant is currently on bond.

WHEREFORE, PREMISES CONSIDERED, appellant respectfully requests an extension of eleven (11) days, i.e. until March 9, 2018, to file Appellant's brief on the merits.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on March 2, 2018, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Victoria County, 205 N. Bridge St., Ste. 301, Victoria, Texas 77901, by electronic delivery service.

/S/ Arnold K. Hayden, Jr.
Arnold K. Hayden, Jr.